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EXAMINER				
UBER, NATHAN C				
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3622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/565,392

Applicant(s)

SON, MASAYOSHI

Examiner

NATHAN C. UBER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 07 July 2008.
2. Claims 1-7 and 9-14 have been amended.
3. Claims 1-14 are currently pending and have been examined.

Drawings

4. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: 42 and 62. Applicant's remarks explained where these references are found within the specification. The objection is hereby withdrawn.

Specification

5. The abstract of the disclosure was objected. Applicant's submitted a new abstract. The Objection is hereby withdrawn.

Claim Rejections - 35 USC § 112

6. Claims 1-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contain at least one of the following terms which were either ill-defined in the specification or were used inconsistently in the claims and as a result rendered the claims indefinite. For the purposes of this examination examiner interpreted each term as shown below.
 - notification = advertisements/messages, as in distributing notifications/advertisements
 - switching = changing, as in changing which message is being displayed

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- switching way information = data or instructions for when to change a message or which message to display next
- management server = central system

This rejection is maintained. Applicant, in his response, argued that the terms were sufficiently defined by virtue of the claim language itself. Applicant did not address Examiner's interpretation of each term. Applicant simply quoted passages from the claims that include the terms. Respectfully, Examiner was aware of the claim language at the time the rejection was made, and that language was the basis for Examiner's interpretations listed above. At the time of the rejection Examiner found the above-listed claim language unusual and difficult to interpret without clear definitions. In Applicant's response, Applicant failed to show where in the specification the terms were defined. Simply showing a term in a sentence or "in context" does not serve as a definition of a term. The claims remain rejected because one having ordinary skill in the art at the time of the invention would not be able to interpret this claim language in light of the specification without taking interpretive leaps as the Examiner was forced to do. Because the Applicant is in the best position to clearly and distinctly describe Applicant's invention it remains Applicant's burden to clarify the meaning of the above-listed terms and specify whether those definitions are different from the interpretations of Examiner.

7. Claims 1 and 4-14 were replete with limitations for which there was insufficient antecedent basis. Applicant has appropriately amended the claims, the rejections are withdrawn.
8. Regarding claim 10, the phrase "such as" was removed, the rejection is withdrawn.

Claim Rejections - 35 USC § 101

9. Claim 14 was rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Applicant's amendment adding the step of changing the content presented based on the time calculations constitutes a useful concrete and tangible result. The rejection is therefore withdrawn.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

13. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admissions in the background of the specification (AOA) in view of Carney et al. (U.S. 2002/0111866 A1).

Claim 1:

AOA, as shown, discloses the following limitations:

- *a content accumulating unit that accumulates the content data* (see at least pages 1-2 of the specification, lines 39 and 1-2, "a mobile terminal for receiving the information from the transmitter unit"),
- *an identifier storing unit that stores a content presentation device identifier which is uniquely given to said content presentation devices* (see at least page 1 of the specification, line 35, "an indicator"),
- *an output unit that outputs said content data* (see at least page 1 of the specification, line 35, "signboard"),
- *a communication unit that receives a switching control signal which instructs to switch the content data output from said output unit* (see at least page 1 of the specification, line 35, "transmitter unit"),

Although AOA discloses *an output switching unit that switches the content data output from said output unit* (see at least page 2 of the specification, lines 2-3, "information can be updated on a real time base..."), AOA does not specifically disclose *an output switching unit that switches the content data output from said output unit based on said switching control signal at a time point calculated by subtracting a predetermined time from an arrival time of a train in a railroad time table*. However, Carney et al., as shown, discloses a system for delivering content to presentation devices in airports and train stations (see at least ¶0033), and specifically discloses changing the content displayed based on the arrival and departure times of flights (see at least ¶0034). Changing a display based on arriving and departing flight times is analogous to changing the display at a time calculated from the arrival time of a train. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the content switching function which applicant admits was known in the art with the additional functionality to vary the content switching based on vehicle arrival times since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2:

The combination AOA/Carney discloses the limitations as shown in the rejection above.

Further AOA, as shown, discloses the following limitations:

- *said communication unit has a capability of receiving said content data* (see at least page 2 of the specification, lines 3-4, "delivering information through communication lines"),
- *wherein said content accumulating unit has a capability of accumulating the content data as received by said communication unit* (see at least pages 1-2 of the specification, lines 39 and 1-2, "a mobile terminal for receiving the information from the transmitter unit").

Claim 3:

The combination AOA/Carney discloses the limitations as shown in the rejection above.

Further AOA, as shown, discloses the following limitations:

- *a notification unit that notifies the content presentation devices identifier stored in said identifier storing unit* (see at least page 1 of the specification, line 33, "display type notification device" and line 38, "notified about service content and the like...").

14. Claims 4-6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admissions in the background of the specification (AOA) in view of Carney et al. (U.S. 2002/0111866 A1) and further in view of Dukach et al. (U.S. 2004/0036622).

Claim 4:

The combination AOA/Carney discloses the limitations as shown in the rejection above.

Further AOA, as shown, discloses the following limitations:

- *a delivery of said content data or a reception of said switching control signal is performed through said communication network* (see at least page 2 of the specification, lines 3-4, "delivering information through communication lines"),

AOA does not disclose a base station or networking with other content presentation devices, however, Dukach, as shown, does:

- *said communication unit is provided with a network formation capability of forming a local communication network with a base station or other content presentation devices located in a predetermined area* (see at least Figures 18 and 19, "central system 102" and ¶0205, "a local communication device"),

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to control the displays using a central station and to provide the displays with local networking capability because such a system "provide[s] for more flexible, effective, and/or profitable usage of signs" (Dukach, ¶5).

Claim 5:

The combination AOA/Carney discloses the limitations as shown in the rejection above. AOA does not disclose a base station or networking with other content presentation devices, however, Dukach, as shown, does:

- *the content presentation devices are provided with a capability of detecting another communication terminal apparatus located in a communication network, and notifying the content presentation devices identifier of its own device to said another communication terminal apparatus* (see at least ¶0205, "[t]his device enables the non-mobile unit to interact with people and electronic systems in its locale, which contain similar local communication devices"),

It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the displays to communicate with each other because such a system "provide[s] for more flexible, effective, and/or profitable usage of signs" (Dukach,

¶5), for example signs in close proximity to each other can be programmed not to display duplicative advertisements.

Claim 6:

The combination AOA/Carney discloses the limitations as shown in the rejection above.

Further Dukach, as shown, discloses the following limitations:

- *said communication unit is provided with a capability of acquiring through said communication network a terminal identifier which is used to specify another communication terminal apparatus located in said communication network* (see at least ¶0205, "[t]his device enables the non-mobile unit to interact with people and electronic systems in its locale, which contain similar local communication devices"),

Dukach does not specifically disclose *acquiring... a terminal identifier*, however Examiner takes **Official Notice** that it is old and well known in the art that in order for any device to communicate over any kind of network, the respective devices must first be able to obtain identifiers to identify each other and establish a line of communication (i.e. communication ports between printers and computers). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure that the displays transmit and acquire terminal identifiers because devices necessarily must identify each other in order to establish communication over a network.

Claim 13:

AOA, as shown, discloses the following limitations:

- *a content accumulating unit that accumulates the content data* (see at least pages 1-2 of the specification, lines 39 and 1-2, "a mobile terminal for receiving the information from the transmitter unit"),
- *an identifier storing unit that stores a content presentation device identifier which is uniquely given to said content presentation devices* (see at least page 1 of the specification, line 35, "an indicator"),

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- *an output unit that outputs said content data* (see at least page 1 of the specification, line 35, "signboard"),
- *a communication unit that receives a switching control signal which instructs to switch the content data output from said output unit* (see at least page 1 of the specification, line 35, "transmitter unit"),
- *an output switching unit that switches the content data output from said output unit based on a railroad time table contained in said management information and a measurement time of said timer at a time point calculated by subtracting a predetermined time from an arrival time of a train in a railroad time table* (see at least page 2 of the specification, lines 2-3, "information can be updated on a real time base..."),

Although AOA discloses *an output switching unit that switches the content data output from said output unit* (see at least page 2 of the specification, lines 2-3, "information can be updated on a real time base..."), AOA does not specifically disclose *based on a railroad time table contained in said management information and a measurement time of said timer at a time point calculated by subtracting a predetermined time from an arrival time of a train in a railroad time table*. However, Carney et al., as shown, discloses a system for delivering content to presentation devices in airports and train stations (see at least ¶0033), and specifically discloses changing the content displayed based on the arrival and departure times of flights (see at least ¶0034). Changing a display based on arriving and departing flight times is analogous to changing the display at a time calculated from the arrival time of a train. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the content switching function which applicant admits was known in the art with the additional functionality to vary the content switching based on vehicle arrival times since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combination were predictable.

Further AOA does not specifically disclose the following limitations. However, Dukach, as shown, discloses the following limitations:

- *a management information database that accumulates management information by which said content presentation device identifiers, content identifiers which identify content to be output respectively by the content presentation devices, and presentation time information relating to the times in which the respective items of said content are presented* (see at least ¶0131, "the schedule takes the form of a database... table also includes a time column, which identifies the time range during which a given record is to apply. The table further includes columns and that identify the display messages that are to be shown on the separately programmable displays"),
- *a timer unit that periodically measures an elapsed time* (see at least ¶0131, "the number of cumulative minutes the mobile unit or other mobile units have already displayed a particular message"),

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the advertisement distribution system disclosed by the combination of AOA/Carney with the robust database management capabilities of Dukach because the combination "provide[s] for more flexible, effective, and/or profitable usage of signs" (Dukach, ¶0005).

15. Claims 7-12 and 14 are rejected 35 U.S.C. 103(a) as being unpatentable over Dukach et al. (U.S. 2004/0036622) in view of Carney et al. (U.S. 2002/0111866 A1).

Claim 7:

Dukach, as shown, discloses the following limitations:

- *a management information database that accumulates management information by which presentation device identifiers which identify said*

content presentation devices, content identifiers which identify content to be output respectively by the content presentation devices, and presentation time information relating to the times in which respective items of said content are presented (see at least ¶0131, "the schedule takes the form of a database... table also includes a time column, which identifies the time range during which a given record is to apply. The table further includes columns and that identify the display messages that are to be shown on the separately programmable displays"),

- *a timer unit that periodically measures an elapsed time* (see at least ¶0131, "the number of cumulative minutes the mobile unit or other mobile units have already displayed a particular message"),
- *a communication unit that transmits a switching control signal designating the content data, which is to be output, to a content presentation device determined based on said management information and a measurement time of said timer* (see at least ¶0137, "[central system] includes a wireless system for transmitting and receiving wireless messages to and from individual mobile units"),

Although Dukach discloses *a communication unit that transmits a switching control signal instructing a content presentation device to switch the content data* (see at least ¶0137, "[central system] includes a wireless system for transmitting and receiving wireless messages to and from individual mobile units"), Dukach does not specifically disclose *switch[ing] the content data based on a railroad timetable contained in said management information and a measurement time of said timer calculated by subtracting a predetermined time from an arrival time of a train in a railroad time table*. However, Carney et al., as shown, discloses a system for delivering content to presentation devices in airports and train stations (see at least ¶0033), and specifically discloses changing the content displayed based on the arrival and departure times of flights (see at least ¶0034).

Changing a display based on arriving and departing flight times is analogous to changing the display at a time calculated from the arrival time of a train. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the content switching function which applicant admits was known in the art with the additional functionality to vary the content switching based on vehicle arrival times since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 8:

Dukach, as shown, discloses the following limitations:

- *said management information contains switching way information as to whether content data to be replaced is replaced by content data delivered anew or by content already stored in the content presentation device, and wherein said switching control signal includes the content identifier of the content data for replacement in accordance with said switching way information (see at least ¶0131, "the schedule can be a virtually any type of data structure capable of indicating which display messages are to be shown by a mobile unit given information that can include..." and ...information "that identify[ies] the display messages that are to be shown").*

Claim 9:

Dukach, as shown, discloses the following limitations:

- *said management information contains local information relating to a population distribution that changes with time, and said switching control signal is generated and transmitted in accordance with said local information (see at least ¶0017, "In some such embodiments using a demographic database, the demographic database indicates the demographic*

characteristics of potential audiences both as a function of locations and time. Such embodiments use the database to select both at what locations and what times messages should be shown").

Claim 10:

Dukach, as shown, discloses the following limitations:

- *an external information acquisition unit that acquires live traffic information or weather information from external information service wherein said management information contains external information to be associated and a switching condition applicable to said external information, and said switching control signal is generated and transmitted in accordance with said external information when said switching condition is satisfied (see at least ¶0182, "...a traffic database, which stores information about motor vehicle traffic flows derived from locator signals and other information generated by the system's mobile and fixed units; a weather database derived from weather information obtained from the system's mobile and fixed units...").*

Claim 11:

Dukach, as shown, discloses the following limitations:

- *the content data is delivered to the corresponding content presentation device based on said management information (see at least ¶0008, "the central computer system selects the information that will be shown on the vehicle mounted display as a function of the sensed location [and] transmits one or more messages to control circuitry on the vehicle, which causes the selected information to be displayed").*

Claim 12:

Dukach, as shown, discloses the following limitations:

- *said management information contains content delivery information which associates the content identifier of the content data to be delivered, the*

content presentation device identifier of the destination of delivery, and delivery times with each other (see at least ¶0199, describing a display device controller that is capable of organizing message ID, display time, and various other functions).

Claim 14:

Dukach, as shown, discloses the following limitations:

- *accumulating management information by which content presentation device identifiers which identify said content presentation devices, content identifiers which identify content to be output respectively by the content presentation devices, and presentation time information relating to the times in which the respective items of said content are presented (see at least ¶0131, "the schedule takes the form of a database... table also includes a time column, which identifies the time range during which a given record is to apply. The table further includes columns and that identify the display messages that are to be shown on the separately programmable displays"),*
- *periodically measuring an elapsed time (see at least ¶0131, "the number of cumulative minutes the mobile unit or other mobile units have already displayed a particular message"),*
- *switching the content data that is presented by the presentation device specified by said content presentation device identifier based on said management information and the elapsed time as measured (see at least ¶0008, "the central computer system selects the information that will be shown on the vehicle mounted display as a function of the sensed location [and] transmits one or more messages to control circuitry on the vehicle, which causes the selected information to be displayed"),*
- *transmitting a switching control signal indicating content, which is to be output, to the presentation device by said content presentation device*

identifier from said management server based on a railroad time table contained in said management information and the elapsed time as measured (see at least ¶0137, "[central system] includes a wireless system for transmitting and receiving wireless messages to and from individual mobile units"),

Dukach does not specifically disclose *based on a railroad time table contained in said management information and the elapsed time as measured*. However, Carney et al., as shown, discloses a system for delivering content to presentation devices in airports and train stations (see at least ¶0033), and specifically discloses changing the content displayed based on the arrival and departure times of flights (see at least ¶0034). Further Dukach discloses *switching the content data that is presented on a corresponding content presentation device based on said switching control signal* (see at least ¶0137, "[central system] includes a wireless system for transmitting and receiving wireless messages to and from individual mobile units"), Dukach does not specifically disclose *switching at a time point calculated by subtracting a predetermined time from an arrival time of a train in a railroad time table*. However, Carney et al., as shown, discloses a system for delivering content to presentation devices in airports and train stations (see at least ¶0033), and specifically discloses changing the content displayed based on the arrival and departure times of flights (see at least ¶0034). Changing a display based on arriving and departing flight times is analogous to changing the display at a time calculated from the arrival time of a train. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the content switching function which applicant admits was known in the art with the additional functionality to vary the content switching based on vehicle arrival times since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

16. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new grounds of rejection.

Conclusion

17. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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19. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
21. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

22. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building
401 Dulany Street
Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622
13 October 2008

/Arthur Duran/
Primary Examiner, Art Unit 3622